

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

AMIDAH MACK, et al., :

Plaintiffs :

v. : 3:22-CV-523
: (JUDGE MARIANI)

TRAVELERS PERSONAL
INSURANCE COMPANY, et al., :

Defendants :

ORDER

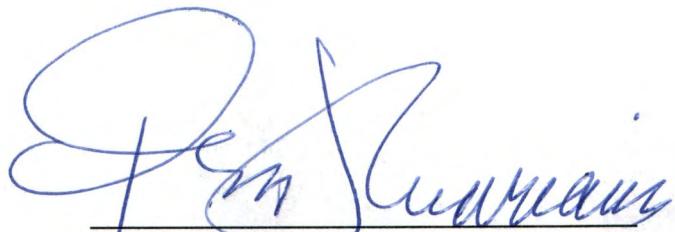
AND NOW, THIS 6th DAY OF DECEMBER, 2022, upon review of

Magistrate Judge Karoline Mehalchick's Report & Recommendation ("R&R") (Doc. 27) for clear error or manifest injustice, **IT IS HEREBY ORDERED THAT** the R&R (Doc. 27) is **ADOPTED as modified herein:**

1. Defendant GEICO Insurance Agency's Motion to Dismiss (Doc. 5) is **GRANTED** for the reasons stated in the R&R. Plaintiffs' action against Defendant GEICO is **DISMISSED**.
2. Defendant GEICO Insurance Agency's motions "requesting Court to grant [its] motion to dismiss" (Docs. 21, 24) are **DEEMED WITHDRAWN** for failure to file a

supporting brief, in accordance with Local Rule 7.5 of the Middle District of Pennsylvania.¹

3. The entirety of Plaintiffs' complaint is **DISMISSED** pursuant to Fed. R. Civ. P. 41(b) for failure to comply with the Court's Orders and for failure to prosecute this action.²
4. The Clerk of Court is directed to **CLOSE** this action.



Robert D. Mariani
United States District Judge

¹ The Local Rules for the Middle District of Pennsylvania provide that "[w]ithin fourteen (14) days after the filing of any motion, the party filing the motion shall file a brief in support of the motion. . . If a supporting brief is not filed within the time provided in this rule the motion shall be deemed to be withdrawn. . ." M.D. Pa. L.R. 7.5. Here, within less than six months, Defendant GEICO filed three motions requesting that the Court dismiss it from the above-captioned action yet, despite Defendant's apparent belief that such requests required immediate attention from the Court, failed to file a brief in support of its second or third motion. (See also, Doc. 26 (letter from GEICO counsel requesting, *for the third time in less than two months*, that the Court review and grant its motion to dismiss)).

² Magistrate Judge Mehalchick's reasoning and conclusion that Plaintiffs have failed to prosecute and have abandoned this action is further supported by Plaintiffs' failure to file any Objections to the pending R&R, despite having been provided a month to do so. The Court also agrees with the R&R's findings that an application of the *Poulis* factors further supports the dismissal of this action. See Doc. 27, at 11-16; *Poulis v. State Farm Fire and Cas. Co.*, 747 F.2d 863 (3d Cir. 1984).